

**EXTRA INFORMATION**

10-5-09

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Wetherbee Plaza, LLC  
6 Proctor Street, Acton, MA 01720  
Phone 978-430-4000 FAX 978-263-8100

Board of Selectmen  
472 Main Street  
Acton, MA 01720

October 5, 2009

Dear Members of the Board:

I have reviewed the Draft Decision pertaining to Wetherbee Plaza Extension, which was posted on line sometime on Friday and offer the following in regard to the sidewalk:

- I have discussed various methods of surfacing the sidewalk with contractors and owners of other commercial sites so that the sidewalk is distinct and differentiated from the adjacent driveway. Most were flabbergasted as to the need.
- My engineer met with the Roland and Scott and he thought it was agreed that a non-skid paint, as was recommended by several contractors, would be added to the list.
- The three of the alternatives listed in the Draft Decision are simply too expensive to consider. By too expensive I am talking about a cost ranging from \$ 50 to \$ 150 a linear foot.
- Chip seal is the spraying of tar on the surface of the driveway and using it to glue on stone chips. Applying hot tar to a steep driveway and getting an even demarcation will be difficult. Chip sealing of Town roads was stopped several decades ago as it was found not to be effective.
- Two paving contractors recommended that the driveway be paved with standard bituminous concrete and the 3/8 inch stone be placed on the sidewalk section and rolled into the surface. This would place the top of the stones even with the surface so that they will not be easily removed and the stones would be brown or gray and make the sidewalk clearly distinguishable from the driveway.

The Draft Decision should be amended to include the embedment of crush stone.

I recognize the Board's desire to bring closure to this matter and hopefully the Board will recognize my need to be able to have the site occupied so that it does not appear to be abandoned.

The Town has a deposit of \$ 5,000.00 which should be sufficient to allow the buildings to be occupied.

Presently there are two people interested in the 107 retail building and I wish to rent the bottom floor of the Carriage House to my management company to store equipment and materials (only) and the second floor apartment to my son.

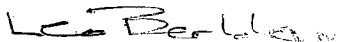
The Building Commissioner and other agencies have signed the occupancy card for 107 and I am waiting to make an appointment for the Carriage House.

Adding the 20 day appeal period to today's date brings us to the end of the month and near the end of the paving season. If paving cannot be completed this fall then paving probably will not be able to be done prior to mid April. With the preparation of as-built plans the buildings will remain unoccupied for nine more months.

The Draft Decision does not allow any work to be performed until the end of the appeal period and modification of the plans. Do I modify the plans before the appeal period or after?

My engineer has informed me that all other conditions can be met and even though I am not necessarily happy with some of the requirements I can accept them if I am able to occupy the buildings and use an embedded stone surface for the sidewalk.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Leo Bertolami".

Leo Bertolami, Manager